

## House Bill 37

By: Representatives Bruce of the 64<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Ashe of the 56<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Mosby of the 90<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to labor and industrial relations, so as to enact the "Parent Protection Act"; to provide for leave for employees to attend school conferences and medical appointments; to provide for legislative findings and intent; to provide for definitions; to provide for conditions to take leave; to provide for annual notification; to provide for statutory construction; to provide that retaliatory actions are unlawful; to provide for administrative fines; to provide for a remedy; to amend Article 1 of Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning generally, so as to require day-care programs and preschool programs to provide written notice prior to school conferences; to provide for a definition; to provide for written verification of attendance; to amend Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to community involvement in education, so as to require local school systems and private schools to provide written notice prior to school conferences; to provide for a definition; to provide for written verification of attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Parent Protection Act."

**SECTION 2.**

Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to labor and industrial relations, is amended by adding a new Code section to read as follows:

"34-1-8.

(a) The General Assembly finds that employees often have important family and medical needs that do not qualify for leave under the federal Family and Medical Leave Act of

1993. An employee who does not have available leave should be able to take time away from work to attend to family health needs and the educational achievement of children while protecting his or her employment status. The General Assembly finds that providing a state statutory mechanism for establishing a minimum amount of leave time available to employees for eligible family purposes under certain circumstances improves retention of students in school, improves retention of employees, increases productivity, and strengthens families. Existing federal and state laws and regulations require parent participation in various school conferences, including, but not limited to, student support team meetings; Individualized Education Program (IEP) meetings as outlined in the federal Individuals with Disabilities Education Act; drop out prevention counseling; meetings to address discipline infractions and discipline hearings; meetings to address appropriate action for a chronic disciplinary problem student or if a student is not on grade level, does not pass the required annual state criterion-referenced assessments, or has repeated unexcused absences; or where the parent is subject to a juvenile court referral for failure to compel the child's attendance. The General Assembly further finds that parental involvement is a central strategy for improving performance under the federal No Child Left Behind Act, and that defeating persistent gaps in student achievement and engaging parents in involvement in their children's educational progression requires addressing the underlying reasons of why many working parents do not or are not able to attend school conferences. Therefore, the purpose of this Code section is to create scheduling flexibility when such options are not available to an employee.

(b) As used in this Code section, the term:

(1) 'Available leave' means annual leave, personal leave, sick leave, compensatory leave, or other similar leave provided by an employer which an employee may use to attend school conferences, medical appointments of the employee or the employee's family members, or similar activities.

(2) 'Child' means any child living with the employee, a child related by blood or marriage, or the employee's legal ward.

(3) 'Elderly relative' means an adult 60 years of age or older related by blood or marriage to the employee.

(4) 'Eligible employee' means an individual who:

(A) Has been employed by an employer for at least six consecutive months; and

(B) Has 24 hours or less of available leave as of July 1 of any given calendar year.

(5) 'Employer' means an employer in the public or private sector in this state.

(6) 'School conference' means registration for enrollment in a day-care program, preschool, kindergarten program, or elementary or secondary school or a meeting about a child's academic achievement, behavior, performance, or support plan when such

meeting is initiated by either an educator or other school or program representative or the parent and which is conducted at the child's school or day-care center.

(c) Subject to the requirements of subsection (e) of this Code section, an eligible employee shall be entitled to a total of 24 hours of leave, paid or unpaid in accordance with subsection (d) of this Code section, during any 12 month period for one or more of the following:

(1) To attend a medical appointment for the employee or the employee's spouse or child;

(2) To accompany an elderly relative to a medical appointment; or

(3) To attend a school conference for a child of the employee

when the appointment or school conference cannot reasonably be scheduled during the employee's nonwork hours.

(d) Leave granted under subsection (c) of this Code section may consist of unpaid leave, and nothing in this Code section shall be construed to require such leave be paid; provided, however, that an eligible employee shall be permitted to utilize any accrued available leave for leave taken pursuant to subsection (c).

(e) Any leave granted pursuant to subsection (c) of this Code section shall be subject to the following conditions:

(A) An eligible employee requesting leave under subsection (c) of this Code section shall provide reasonable notice to the employer prior to the absence and make reasonable effort to plan the absence so as not to unduly disrupt the operations of the employer;

(B) An employer may require a written request at least 48 hours before the planned absence;

(C) An employer with ten or fewer employees at the same location may reasonably limit the number of employees allowed to take a planned absence on the same calendar day;

(D) An employer may require the eligible employee to provide written verification of an appointment or school conference, such as a written note from a physician or documentation signed by a school or day-care administrator or teacher attending the conference; and

(E) An employer may require eligible employees to take leave in increments of no less than two hours.

(f) An employer shall annually notify its employees of their eligibility to request leave under this Code section by posting such notice or issuing a memoranda to all employees.

(g) Nothing in this Code section shall be construed to limit the amount of leave time an employer may offer for eligible activities.

(h) To the extent an employee eligible for leave under this Code section is also eligible for leave for such purposes under the federal Family and Medical Leave Act of 1993, such employee shall take leave pursuant to the federal Family and Medical Leave Act of 1993.

Nothing in this Code section shall be construed to provide additional leave to an employee for the purposes contained in subsection (c) of this Code section if the employee is eligible for leave for such purposes under the federal Family and Medical Leave Act of 1993.

(i)(1) It shall be unlawful for any employer or the agent of such employer to discharge, discipline, or otherwise penalize an eligible employee because such employee requests or takes leave pursuant to this Code section. It shall be unlawful for any employer or the agent of such employer to threaten to take or to communicate an intention to take any action declared to be unlawful under this paragraph. Provided, however, that nothing in this paragraph shall be construed to impede or prevent an employer from discharging, disciplining, or otherwise penalizing an eligible employee for reasons unrelated to the provisions of this Code section.

(2) Any employer or the agent of such employer which is found by the department, after notice and an opportunity for a hearing, to have violated paragraph (1) of this subsection shall be subject to an administrative fine not to exceed \$100.00 for each separate violation. Any determination by the department that an employer or the agent of such employer which is found by the department, after notice and an opportunity for a hearing, to have violated paragraph (1) of this subsection shall be subject to appeal. Any hearing conducted pursuant to this Code section shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(3) Any employer or the agent of such employer who violates paragraph (1) of this subsection shall be liable to the injured employee for all actual damages incurred by such employee and for reasonable attorney's fees incurred by such employee in asserting a successful claim under this subsection."

### **SECTION 3.**

Article 1 of Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning generally, is amended by adding a new Code section to read as follows:

"20-1A-18.

(a) As used in this Code section, the term 'school conference' means registration for enrollment in an early care and education program or a meeting about a child's academic achievement, behavior, performance, or support plan when such meeting is initiated by either an educator or other school or program representative or the parent and which is conducted at the child's school or program site.

(b) An early care and education program shall provide written notice to parents and guardians at least three business days prior to a school conference to afford the parents and guardians the opportunity to arrange for and attend such school conference. This

subsection shall not be construed to relieve an early care and education program from complying with any notice requirements that may be provided for in federal law or regulations or other laws or regulations of this state.

(c) If requested by a parent or guardian, an administrator or teacher participating in the school conference shall provide written verification of the parent or guardian's attendance at such school conference to provide to the parent or guardian's employer."

#### **SECTION 4.**

Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to community involvement in education, is amended by adding a new Code section to read as follows:

"20-2-87.

(a) As used in this Code section, the term 'school conference' means registration for enrollment in a public or private kindergarten program or elementary or secondary school or a meeting about a child's academic achievement, behavior, performance, or support plan when such meeting is initiated by either an educator or other school or program representative or the parent and which is conducted at the child's school or program site.

(b) A local school system or private school shall provide written notice to parents and guardians at least three business days prior to a school conference to afford the parents and guardians the opportunity to arrange for and attend such school conference. This subsection shall not be construed to relieve a local school system or private school from complying with any notice requirements that may be provided for in federal law or regulations or other laws or regulations of this state.

(c) If requested by a parent or guardian, an administrator or teacher participating in the school conference shall provide written verification of the parent or guardian's attendance at such school conference to provide to the parent or guardian's employer."

#### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.